



CITY OF NEWTON, MASSACHUSETTS

Department of Planning and Development

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Public Hearing Date: May 18, 2010
Land Use Action Date: July 20, 2010
Board of Aldermen Action Date: August 2, 2010
90-Day Expiration: August 16, 2010

DATE: May 14, 2010

TO: Board of Aldermen

FROM: Candace Havens, Interim Director of Planning and Development
Alexandra Ananth, Senior Planner

SUBJECT: **Petition #42-10(2), JOHN J. & DIANE P. LANAHA** request to AMEND SPECIAL PERMIT/SITE PLAN APPROVAL/ EXTENSION OF A NON-CONFORMING STRUCTURE #42-10, granted on 3/15/10, to demolish an existing one-story garage and construct a two-story addition onto an existing single-family dwelling. The proposed increase to the first-floor addition will further increase the Floor Area Ratio from .46 (approved in special permit #42-10) to .49, at 8 RIDGEWAY TERRACE, Ward 5, NEWTON HIGHLANDS, on land known as Sec 54, Blk 46, Lot 15, containing approx 5,400 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-21(a)(2)b, 30-21(b), 30-15(u)(4) of the City of Newton Rev Zoning Ord, 2007.

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will want to consider in its discussion at a subsequent Working Session.

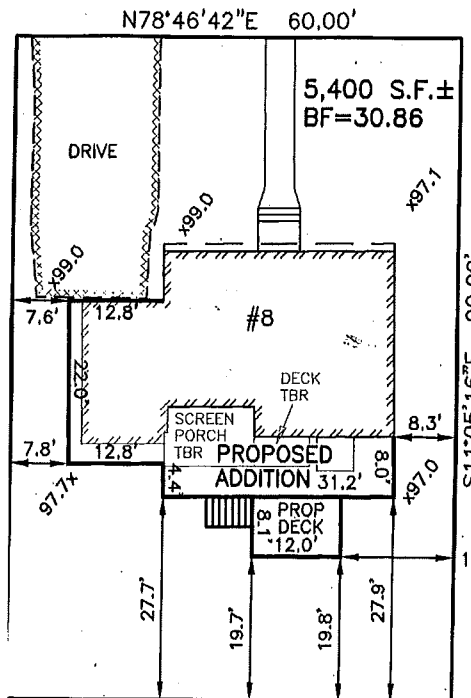


EXECUTIVE SUMMARY

The petitioners received a special permit in March of 2010 to extend a nonconforming structure with respect to Floor Area Ratio in order to reconstruct an attached garage with a new master bedroom above, and for a one-story addition to the rear. Since the granting of the special permit the petitioners have decided they would like to enlarge the proposed one-story rear addition increasing the FAR from .46 (approved by special permit #42-10) to .49 (where .3 is allowed by right).

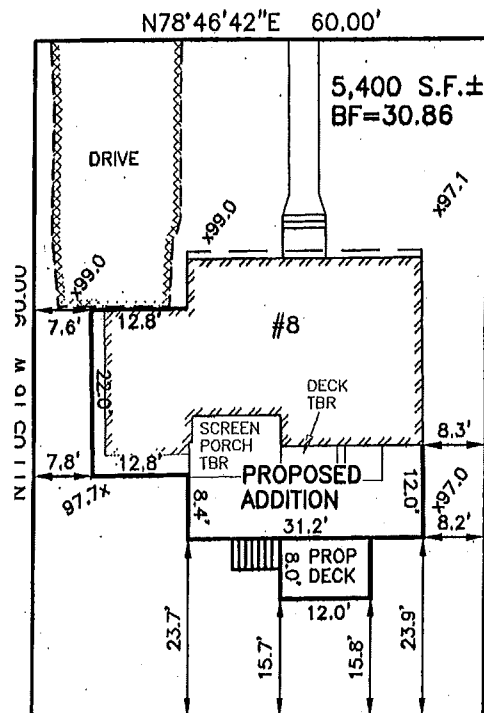
The existing single-family residence is located on a 5,400 sq. ft. lot on Ridgeway Terrace, a dead end road off of Canterbury Road. The original rear one-story kitchen/family room addition was ~8' x 31'. The petitioners would like to increase the addition by an additional 4 ft. to ~12' x 31' to make it more useable for their family. The proposed expanded addition will add an additional 125 sq. ft. to the residence, bringing it to 2,648 sq. ft. This results in a proposed FAR increase to .49 (from .46). The addition would reduce the rear setback from 27.7 ft. to 23.7 ft where 15 ft. is required. An 8' x 12' deck is proposed off of the rear addition and was approved under special permit #42-10.

RIDGEWAY TERRACE



*Approved special permit
#42-10*

RIDGEWAY TERRACE



*Proposed expanded rear
addition*

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When considering this request, the Board should consider whether the increases in FAR would be consistent with and not in derogation of the size, scale, and design of other structures in the surrounding neighborhood.

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The property is located on Ridgewood Terrace, a dead end located off Canterbury Road in Newton Highlands just north of Route 9 (Boylston St.). It is located within a Single Residence 2 district where single-family residences on small lots characterize the neighborhood. The majority of residences were built between 1920 and 1950, and most of the lots are between 5,000 and 9,000 sq. ft. Colonial architecture dominates the neighborhood, although a variety of early twentieth century architectural styles also are present.

Although the petitioners already have approval for the largest house in the neighborhood the Planning Department notes that the proposed increase of 125 sq. ft. will not add to the appearance of mass when viewed from the street (*SEE ATTACHMENT "A"*).

B. Site

The 5,400 sq. ft. site is relatively level and is of average size for the neighborhood.

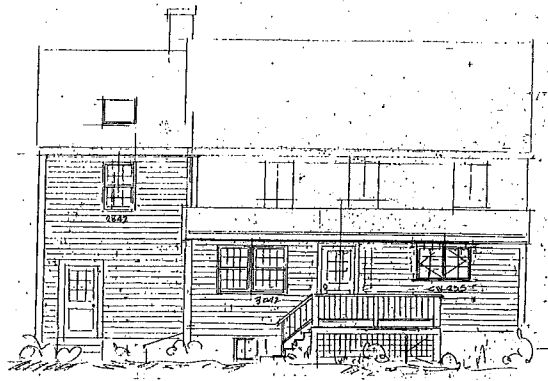
III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

No changes to the use of the single-family residence are proposed.

B. Building and Site Design

The existing house is a brick and clapboard garrison colonial-style residence circa 1937 with a pitched roof. The petitioners have an approved special permit to demolish an existing one-story garage and to replace it with a two-story addition in keeping with the style of the house. The petitioners are also approved for a one-story 8' x 31' addition to the rear of the house which they would now like to increase to 12' x 31'. The roof over the rear addition will have a slight pitch. The additions will add approximately 125 sq. ft. to the approved 2,524 sq. ft. residence bringing the house to 2,649 sq. ft. Although the proposed additions will make this house the largest in the immediate neighborhood, it will still be consistent in scale with other residences in the neighborhood, especially as viewed from the street.



Rear elevation showing proposed addition

C. Parking and Circulation

The petitioners are not altering the curb cut or driveway in any way.

D. Landscape Screening

The petitioners did not submit a landscape plan nor was one required.

IV. TECHNICAL REVIEW

- A. Technical Considerations (Section 30-15). The Zoning Review Memorandum, dated April 13, 2010 (*SEE ATTACHMENT "B"*), provides an analysis of the proposal with regards to zoning. The petitioners are seeking to amend the site plan associated with the March 15, 2010 special permit and to increase the nonconformity with respect to FAR. The additions will not encroach into the side or rear setbacks and lot coverage and open space ratios will remain compliant.
- B. Newton Historical Commission Demolition Review. The Senior Preservation Planner approved the proposed demolition, as the building was determined not historic (*SEE ATTACHMENT "C"*).
- C. Engineering Division Review. The Associate City Engineer reviewed this project and noted that the applicant should provide some sort of collection system for the runoff from the addition as a courtesy to the neighboring property such as rain barrels or a small leach trench with perforated pipe and crushed stone in order to infiltrate the excess runoff (*SEE ATTACHMENT "D"*). *The petitioners should be expected to respond to this at the public hearing.*

V. ZONING RELIEFS SOUGHT

Based on the completed Zoning Review Memorandum the petitioners are seeking approval through or relief from:

- Section 30-21(a)(2)(b), 30-21(b), and 30-15(u)(4) to increase the nonconformity with respect to FAR; and
- To amend the site plan associated with Board Order #42-10.

VI. PETITIONERS' RESPONSIBILITIES

The petitioners should be prepared to respond to issues raised in the Engineering Division's memorandum at the public hearing.

ATTACHMENTS

ATTACHMENT A: NEIGHBORHOOD COMPARISON CHART

ATTACHMENT B: ZONING REVIEW MEMORANDUM DATED APRIL 13, 2010

ATTACHMENT C: NEWTON HISTORICAL COMMISSION DEMOLITION REVIEW DECISION

ATTACHMENT D: ENGINEERING DIVISION MEMORANDUM DATED MAY 7, 2010

ATTACHMENT E: ZONING MAP

ATTACHMENT F: LAND USE MAP

ATTACHMENT G: DRAFT BOARD ORDER


*Neighborhood Comparison Chart (Prepared by Planning Department
based on information obtained from the Assessor's Database)*

Address	Lot Area		Approx.		Approx.		Approx.	
	Lot Size	Per Unit	Sq. Ft.	FAR	Garage	Sq. Ft.	Sq. Ft.	Sq. Ft.
3 Ridgeway Terrace	9,900	9,900	1,896	(0.19)	Detached	360		
4 Ridgeway Terrace	5,400	5,400	1,116	(0.21)	None			
8 Ridgeway Terrace	5,400	5,400	2,524	(0.47)	Attached	281		
11 Ridgeway Terrace	9,000	9,000	1,982	(0.22)	Detached	242		
12 Ridgeway Terrace	5,130	5,130	1,456	(0.28)	Detached	209		
18 Ridgeway Terrace	5,670	5,670	1,928	(0.34)	None			
35 Canterbury Rd	5,400	5,400	1,595	(0.30)	Detached	360		
39 Canterbury Rd	10,355	10,355	1,525	(0.15)	Detached	400		
40 Canterbury Rd	13,341	13,341	1,650	(0.12)	Detached	400		
49 Canterbury Rd	6,890	6,890	1,456	(0.21)	Detached	170		
57 Canterbury Rd	7,100	7,100	2,417	(0.34)	None			
63 Canterbury Rd	6,257	6,257	1,492	(0.24)	Detached	247		
67 Canterbury Rd	5,819	5,819	1,982	(0.34)	Detached	324		
73 Canterbury Rd	5,270	5,270	1,872	(0.36)	Attached	200		
Average	7,209	7,209	1,778	(0.27)		290		
8 Ridgeway Terrace Proposed	5,400	5,400	2,649	0.49		281		

Zoning Review Memorandum

Dt: April 13, 2010

To: John Lojek, Commissioner of Inspectional Services

Fr: Eve Tapper, Chief Zoning Code Official
Candace Havens, Acting Director of Planning and Development 

Cc: John J. Lanahan, property owner
Ouida Young, Associate City Solicitor

RE: Request to allow an increase in FAR.

Applicant: John J. Lanahan**Site:** 8 Ridgeway Terrace**SBL:** Section 54, Block 46, Lot 15**Zoning:** SR-2**Lot Area:** 5,400 square feet**Current use:** Single-family residence**Proposed use:** Single-family residence**Background:**

The subject property consists of a 5,400 square foot lot currently improved with a single-family residence. The applicant is proposing to demolish a one-story garage and rebuild a two-story addition. The plans also include a one-story addition to the rear to the house. This property was the subject of a special permit (Board Order #42-10) approved by the Board of Aldermen on March 15, 2010. Since that approval, the homeowners have revised their plans to increase the size of the proposed rear addition. They requested, but were denied, a "consistency ruling" from the Commissioner of Inspectional Services and instead must obtain a new special permit from the Board of Aldermen.

Administrative determinations:

1. The property is in the SR-2 zone and must comply with the dimensional standards of Section 30-15, Table 1 for a pre-1953 lot (see chart below).

SR-2 Zone	Required/Allowed	Existing	Proposed
Lot size	10,000 sq. ft.	5,400 sq. ft.	No change
Frontage	80 feet	60 feet	No change
Setbacks			
• Front	25 feet	28 feet	No change
• Side	7.5 feet	8.3 feet	7.6 feet
• Rear	15 feet	Approx. 32 feet*	15.7 feet
FAR	.3	.32	.49
Building Height	30 feet	24.2 feet	No change
Maximum Stories	2.5	Info not submitted	Info not submitted
Max. Lot Coverage	30%	20.3%	27.2%
Min. Open Space	50%	68%	60%

* This figure is scaled from the existing conditions site plan submitted with the previous special permit application. This site plan did not measure the rear setback to the existing screened porch as required.

2. The subject property is legally nonconforming with respect to Floor Area Ratio (FAR). The recently approved special permit (Board Order #42-10) allowed an increase in this nonconformity from .32 to .46. With the current application, the proponent proposes to further increase FAR to .49. He will need a Special Permit from the Board of Aldermen under Sections 30-21(a)(2)(b), 30-21(b) and 30-15(u)(4) as well as an amendment to Board Order #42-10.

3. See "Zoning Relief Summary" below:

Zoning Relief Summary		
Ordinance	Site	Action Required
	Amend site plan associated with March 15, 2010 special permit	Approval from Board of Aldermen
§30-21(a)(2)(b), 30-21(b), 30-15(u)(4)	Increase nonconformity with respect to FAR	SP per §30-24

Plans and materials reviewed:

- "Plan of Land in Newton, MA, 8 Ridgeway Terrace, Proposed Addition," dated July 14, 2009, revised 4/1/10, signed and stamped by Bruce Bradford, Professional Land Surveyor
- "Plan of Land in Newton, MA, 8 Ridgeway Terrace, Proposed Addition," dated July 14, 2009, revised 4/6/10, signed and stamped by Bruce Bradford, Professional Land Surveyor
- Letter to John Lojek from John Lanahan requesting a consistency ruling, dated March 31, 2010



CITY OF NEWTON, MASSACHUSETTS

Department of Planning and Development
Michael J. Kruse, Director

ATTACHMENT C

(617) 796-1142

E-mail
mkruse@newtonma.gov

David B. Cohen
Mayor

Newton Historical Commission Demolition Review Decision

Date: 9/21/09 Zoning & Dev. Review Project# 09090026

Address of structure: 8 Ridgeway Terrace

Type of building: House

If partial demolition, feature to be demolished is Attached garage, facade

The building or structure:

is is not ✓ in a National Register or local historic district not visible from a public way.
is is not ✓ on the National Register or eligible for listing.
is is not ✓ importantly associated with historic person(s), events, or architectural or social history
is is not ✓ historically or architecturally important for period, style, architect, builder, or context.
is is not ✓ located within 150 feet of a National Register or local historic district.

is ✓ **NOT HISTORIC** as defined by the Newton Demolition Delay Ordinance.
Demolition is not delayed and no further review is required.

is **HISTORIC** as defined by the Newton Demolition Delay Ordinance (See below).

The Newton Historical Commission staff:

 APPROVES the proposed project based upon materials submitted see below for conditions (if any).
Demolition is not delayed, further staff review may be required.

 DOES NOT APPROVE and the project requires Newton Historical Commission review (See below).

The Newton Historical Commission finds the building or structure:

is **NOT PREFERABLY PRESERVED**
Demolition is not delayed and no further review is required.

is **PREFERABLY PRESERVED - (SEE BELOW).**

One year delay of Demolition:

 is in effect until

 has been waived - see attached for conditions

Determination made by: Brian Lever

CITY OF NEWTON
ENGINEERING DIVISION

MEMORANDUM

To: Alderman Ted Hess-Mahan, Land Use Committee Chairman

From: John Daghljan, Associate City Engineer

Re: Special Permit – 8 Ridgeway Terrace

Date: May 7, 2010

CC: Lou Taverna, PE City Engineer (via email)
Candice Havens, Acting Director of Planning (via email)
Linda Finucane, Associate City Clerk (via email)
Alexandra Ananth, Planner (via email)

In reference to the above site, I have the following comments for a plan entitled:

*Plan of Land in Newton, MA
8 Ridgeway Terrace
Prepared by: Everett M. Brooks Company
Dated: July 14, 2009
Revised: 4/1/'10*

Executive Summary:

Based upon a site visit today the property is relatively flat sloping slightly from the northwest corner of the property towards the southeast neighbor's lot at #4 Ridgeway Terrace. Although the calculations from the engineer of record indicates that less than 400 square feet is proposed, the 400 square foot threshold is based upon a 10,000 square foot lot (double this property) which has more open space and allowance for addition runoff to be absorbed on site. Since this site has less open space, the applicants should provide some sort of collection system for the runoff from the addition as a courtesy to the neighboring property. The system could be as simple as rain barrels or a small leach trench with perforated pipe and crushed stone to infiltrate the excess runoff.

It is unclear from the plans if the applicant plans to gut the interior of the home as part of the expansion. If the interior is to be gutted by more than 50%, then the water service [installed in 1937] needs to be updated along with the sanitary sewer service.

General:

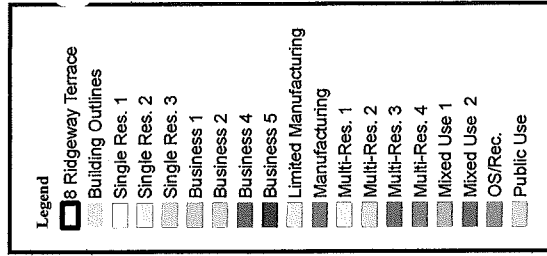
1. As of January 1, 2009, all trench excavation contractors shall comply with Massachusetts General Laws Chapter 82A, Trench Excavation Safety Requirements, to protect the general public from unauthorized access to unattended trenches. Trench Excavation Permit required. This applies to all trenches on public and private property. *This note shall be incorporated onto the plans*
2. All tree removal shall comply with the City's Tree Ordinance.
3. The contractor is responsible for contacting the Engineering Division and scheduling an appointment 48 hours prior to the date when the utilities will be made available for an inspection of water services, sewer service, and drainage system installation. The utility in question shall be fully exposed for the inspector to view; backfilling shall only take place when the City's Inspector has given their approval.
4. The applicant will have to apply for Street Opening, Sidewalk Crossing, and Utilities Connecting permits with the Department of Public Works prior to any construction. *This note must be incorporated onto the site plan.*
5. The applicant will have to apply for a Building Permits with the Department of Inspectional Service prior to any construction.
6. Prior to Occupancy permit being issued, an As-Built Plan shall be submitted to the Engineering Division in both digital format and in hard copy. The plan should show all utilities and final grades, any easements and final grading. *This note must be incorporated onto the site plan.*
7. If a Certificate of Occupancy is requested prior to all site work being completed, the applicant will be required to post a Certified Bank Check in the amount to cover the remaining work. The City Engineer shall determine the value of the uncompleted work. *This note must be incorporated onto the site plan.*

Note: If the plans are updated it is the responsibility of the Applicant to provide all City Departments [Conservation Commission, ISD, and Engineering] involved in the permitting and approval process with complete and consistent plans.

If you have any questions or concerns please feel free to contact me @ 617-796-1023.

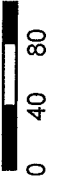
Zoning Map

8 Ridgeway Terrace

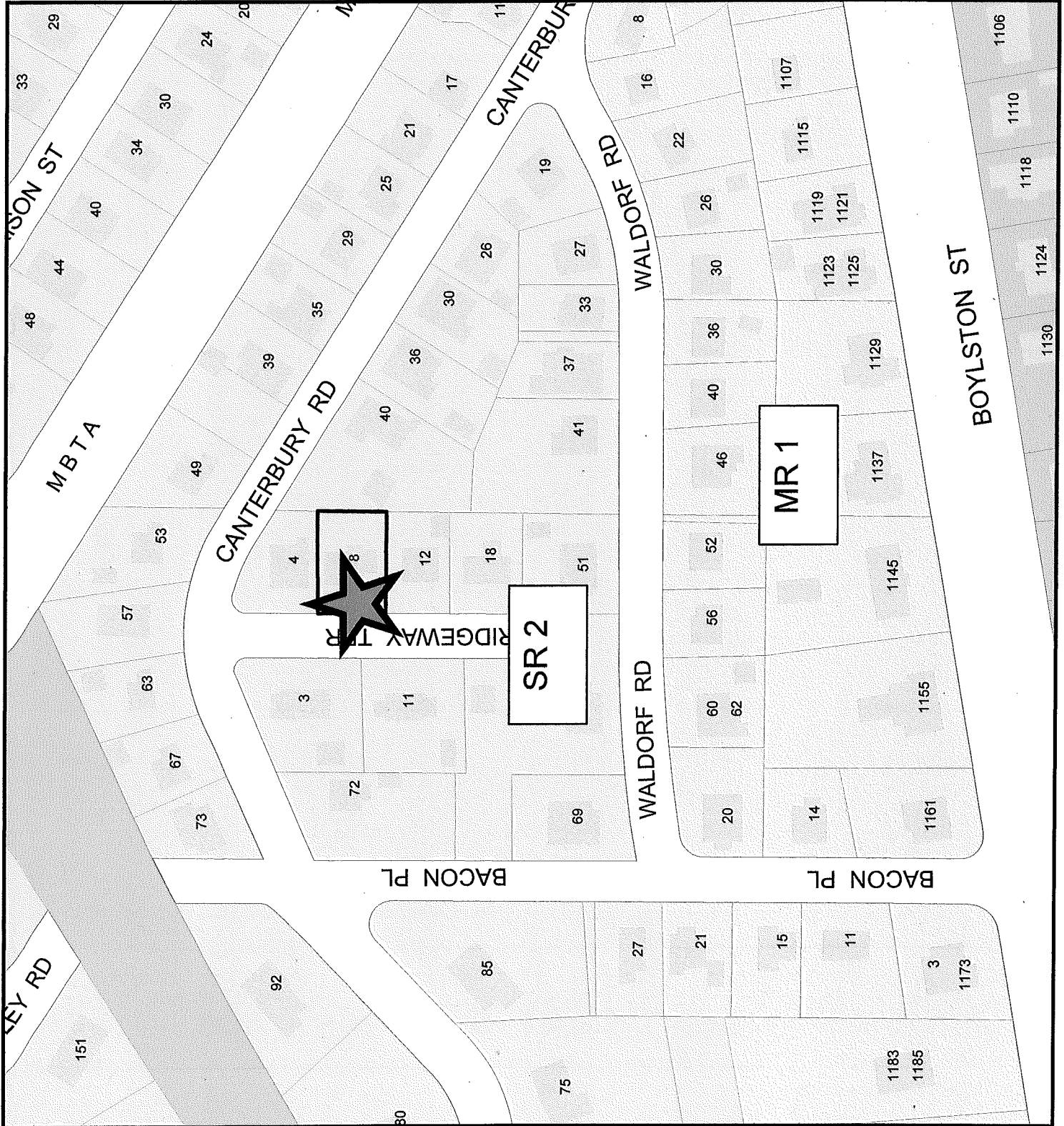


ATTACHMENT E

The information on this map is for informational purposes only. The City of Newton cannot guarantee the accuracy of the information. Each user of the map is responsible for determining its suitability for their purpose. City departments approve applications based on the information on this map.

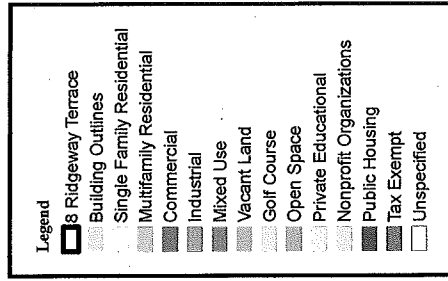


MAP DATE: Marc



Land Use Map

8 Ridgeway Terrace

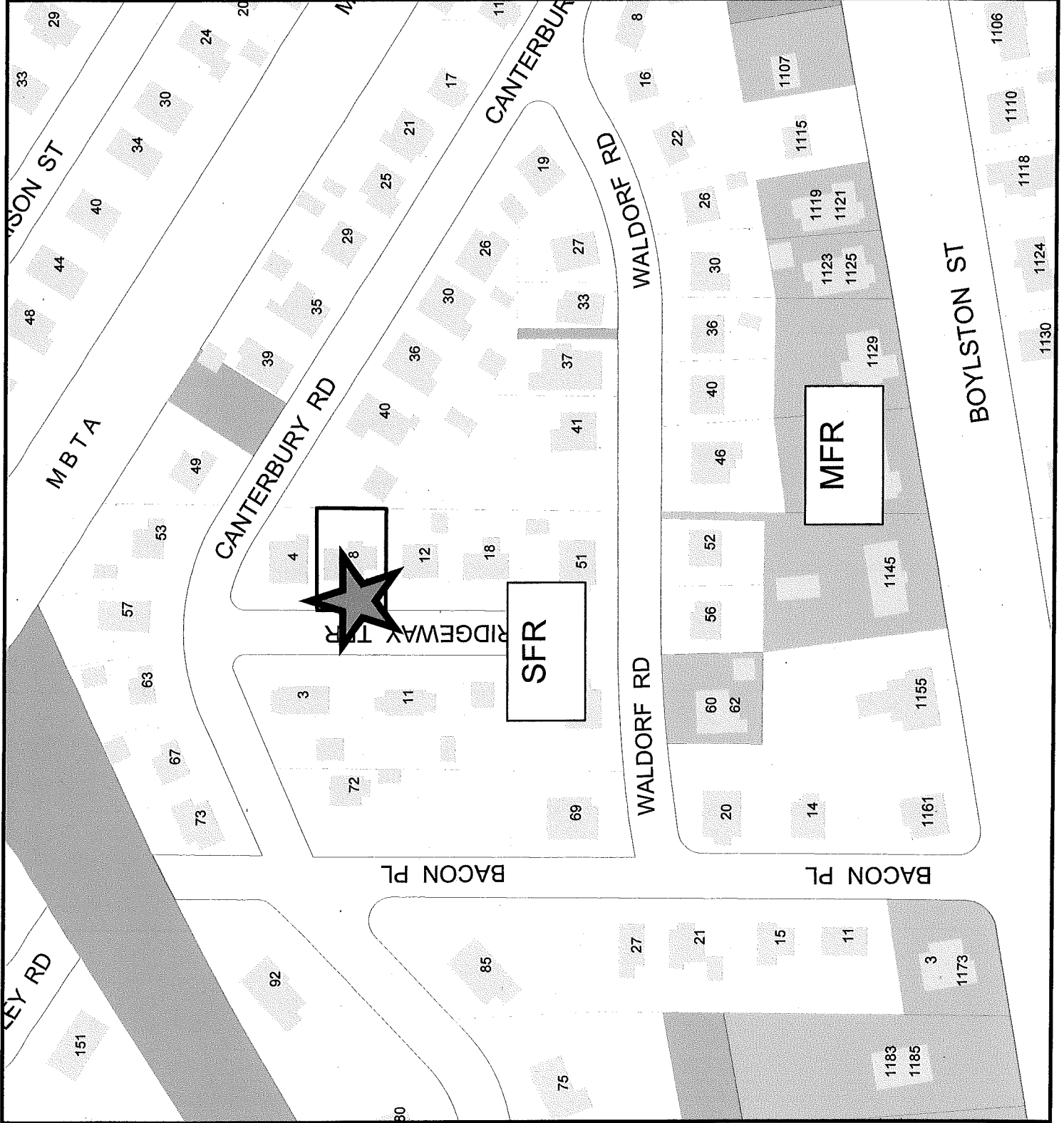


ATTACHMENT F

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MAP DATE: Mar 2011



DRAFT
#42-10(2)CITY OF NEWTON
IN BOARD OF ALDERMEN
June 7, 2010

ORDERED:

That the Board, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following AMENDMENT TO A SPECIAL PERMIT/SITE PLAN APPROVAL to extend a nonconforming structure with respect to Floor Area Ratio to enlarge a one-story addition to the rear, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman Ted Hess-Mahan:

1. The proposed extension of a nonconforming structure will not be substantially more detrimental to the neighborhood than the existing structure for the following reasons:
 - a. The one-story addition to the rear of the house has been designed in keeping with the architecture and roofline of the existing house and complies with all setback requirements.
 - b. Increasing the already nonconforming FAR from .46 to .49 (where an FAR of .3 is allowed by right) is appropriate in this neighborhood context, as the house will remain consistent with and not in derogation of the size, scale and design of other structures in the surrounding neighborhood, and the property complies with ratios for lot coverage and open space.
2. The proposed modestly scaled additions are consistent with the *2007 Comprehensive Plan*, as they will help meet the lifestyle needs of today's families while maintaining the character of the neighborhood.

PETITION NUMBER: #42-10(2)

PETITIONER: John J. Lanahan

LOCATION: 8 Ridgeway Terrace, Section 54, Block 46, Lot 15
containing approximately 5,400 sq. ft. of land

OWNER: John J. Lanahan

ADDRESS OF OWNER: 8 Ridgeway Terrace, Newton, MA 02461

TO BE USED FOR: Rear addition to an existing single-family house.

CONSTRUCTION: Wood frame, clapboard siding, and asphalt shingle roof

EXPLANATORY NOTES: §30-21(a)(2)(b), 30-21(b) & 30-15(u)(4) to increase the nonconformity of the existing structure with respect to FAR; §30-23 for site plan approval; and §30-24(d) for special permit approval

ZONING: Single Residence 2 District

Approved subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this special permit/site plan approval shall be located and constructed consistent with:
 - "Plan of Land in Newton, MA, 8 Ridgeway Terrace, Proposed Addition," dated July 14, 2009, and revised April 1, 2010, signed and stamped by Bruce Bradford, Professional Land Surveyor
 - Architectural Plans as follows all signed and stamped by H.L. Millard, Registered Professional Engineer and dated May 16, 2009 and amended January 15, 2010
 - "1 of 5 Left Elevation and Front Elevation"
 - "2 of 5 Rear Elevation and Right Elevation"
 - "3 of 5 Section and 1st Floor Plan"
 - "4 of 5 2d Floor Plan"
 - "5 of 5 Section and Foundation Plan"
2. No building permit shall be issued pursuant to this special permit/site plan approval until the petitioner has:
 - a. recorded a certified copy of this board order for the approved special permit/site plan with the Registry of Deeds for the Southern District of Middlesex County.
 - b. filed a copy of such recorded board order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
3. No occupancy permit for the use covered by this special permit/site plan approval shall be issued until the petitioners have:
 - a. filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect or engineer certifying compliance with Condition #1.
 - b. submitted to the Department of Inspectional Services, and the Department of Planning and Development a final as-built survey plan in digital format.